

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 11 - 20 are pending in the application. Claims 11 - 20 currently stand rejected.

By the present amendment, claim 15 has been amended.

In the office action mailed February 6, 2009, claim 15 was rejected under 35 U.S.C. 112, second paragraph; claims 11 - 17 and 19 - 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,400,414 to Thiele; and claim 18 was rejected under 35 U.S.C. 103(a) as being unpatentable over Thiele in view of U.S. Patent No. 4,998,283 to Nishida.

The foregoing rejections are traversed by the instant response.

By the present amendment, claim 15 has been amended to overcome the antecedent basis issue. It is submitted that claim 15 as amended herein now complies with the requirements of 35 U.S.C. 112, second paragraph.

Claim 11, the sole independent claim in the application, is directed to a system for the projection of cinematographic works or digital works with sound with at least one sound channel, comprising a screen and, for the at least one sound channel, at least one woofer and at least one medium/treble speaker, said system further comprising: the screen being a non-perforated screen; the at least one medium/treble speaker comprising a flat sound transducer placed against the screen to a rear thereof in relation to a direction of projection; and an extreme treble speaker being disposed on a periphery of the screen.

The Examiner rejects claim 11 on obviousness grounds over U.S. Patent No. 5,400,414 to Thiele. In making this rejection,

the Examiner notes that while Thiele does not explicitly disclose whether or not there are perforations in the screen, the screen is not limited to either being perforated or non-perforated. Furthermore, the Examiner contends that since the flat mid-range speaker is placed on the surface of the screen and the screen is disclosed as serving as a loudspeaker, one of ordinary skill would apprise that perforations are not required in the screen taught by Thiele. In making this statement, the Examiner does not present any line of reasoning containing a rational underpinning which explains why the placement of the flat mid-range speaker on the surface of the screen and the disclosure of the screen as serving as a loudspeaker would cause one of ordinary skill in the art to conclude that screen perforations are not required. Clearly, this is something which does not flow from Thiele since Thiele does not appear to appreciate that a non-perforated screen should be used. The Examiner is hereby requested to provide such a line of reasoning or withdraw the rejection of record.

The Examiner continues on to take official notice that it is well known in the art to use a non-perforated screen where the screen is used as a sound radiating surface. Applicant hereby traverses the taking of official notice and requests the Examiner to cite a reference in support of the Examiner's position that mere placement of the flat mid-range speaker on the surface of the screen and the disclosure of the screen serving as a loudspeaker would cause one of skill in the art to use a non-perforated screen. Applicant contends that mere placement of flat mid-range speaker on the surface of the screen and the use of a screen as a loudspeaker would not cause one to use a non-perforated screen. There is no link between the two in the prior art systems which would cause one of skill in the

art to understand that a non-perforated screen was desirable and which would cause one to modify Thiele to include a non-perforated screen. In other words, the Examiner should provide some evidence to support the conclusion that it is well known in the prior art to use a non-perforated screen when the screen is used as a sound radiating surface. Without such evidence, Applicant submits that the proposed modification to Thiele is nothing more than a hindsight rejection.

Thiele addresses a television screen and was issued in 1990. This is well before the use of digital cinematographic works. Claim 11 concerns a system for the projection of digital cinematographic works with sound, whose problems are clearly different from the ones encountered by television screens. Since Thiele predates the digital era, it cannot provide any guidance as to how to overcome the problems associated with digital cinematographic works. If the Examiner is going to modify Thiele, then the Examiner must cite a reference which would provide guidance as to how to modify Thiele to overcome the problems which Applicant has encountered in connection with digital cinematographic works. Since the Examiner has not provided such a reference or, for that matter, any evidence which would lead one to conclude that the differences between Thiele and the claimed invention were obvious, the rejection of record fails.

Further, according to the specification of the instant application, the woofer is able to produce sounds with a frequency that is lower than around 500 Hz, the medium/treble speaker is able to produce sounds in a range of around 500 Hz to 4 kHz and the extreme treble speaker is able to produce sounds with a frequency that is higher than around 4 kHz. Thiele only discloses a system including a bass loudspeaker, a mid-range

loudspeaker, and a tweeter. A mid-range loudspeaker and a tweeter cannot be considered as a medium/treble speaker and an extreme treble speaker, because the cut frequencies are not the same for the types of loudspeaker that were previously named. Thiele is silent towards the cut frequencies of the high and low frequency tones that are reproduced by the speakers.

Therefore, the skilled person in the art, starting from Thiele and trying to improve accuracy, would not have found any incentive or motivation to transform the mid-range loudspeaker and the tweeter respectively into a medium/treble speaker and an extreme treble speaker. Again, the problems encountered by Thiele and those encountered by Applicant are quite different. As a consequence, the skilled person in the art would not have used the teaching of Thiele and modify it to obtain the subject matter of claim 11.

Finally, the medium/treble speaker of claim 11 is a flat sound transducer placed against the screen to the rear thereof in relation to the direction of projection. If one considers that the mid-range loudspeaker may be a medium/treble speaker, there is no disclosure in Thiele where the speaker is towards the screen. Indeed, it may be behind the screen but not affixed to it (col. 4, l. 11- 12 of Thiele), or affixed to the screen but not behind (claim 3 of Thiele), or contained in the screen but not behind and at the end of it (claim 7 of Thiele). Therefore, Thiele does not teach one to place a medium/treble speaker against the screen to the rear thereof in relation to the direction of projection. The skilled person in the art, starting from Thiele and searching for a better accuracy of the system, would not have found any motivation to combine a disposition of the speaker against the screen and a disposition of the speaker to the rear thereof in relation to the direction

of projection. As a consequence, the skilled person in the art would not have used the teachings of Thiele and modify it to obtain the subject matter of claim 11.

For these reasons, the subject matter of claim 11 is not rendered obvious by Thiele and is allowable.

Claims 12 - 17 and 19 - 20 are allowable for the same reasons as claim 11 as well as on their own accord.

With regard to the rejection of claim 18, this claim is allowable for the same reasons as claim 11. The secondary reference to Nishida does not cure the aforementioned deficiencies of Tjiele.

For the foregoing reasons, the instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

Should the Examiner believe an amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicant's attorney at the telephone number listed below.

A request for a three month extension of time is enclosed. The Director is hereby authorized to charge the two month extension of time fee in the amount of \$1110.00 to Deposit Account No. 02-0184.

If any additional fees are required in connection with this case, it is respectfully requested that they be charged to said Deposit Account No. 02-0184.

Respectfully submitted,

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